

12 September 1968

MEMORANDUM FOR THE RECORD

SUBJECT: S. 3952 - Federal Work Week and Work Days

1. S. 3952 was introduced on 31 July 1968 by Senator Joseph Montoya (D., N. Mex.) and referred to the Committee on Post Office & Civil Service. This bill is not active.

2. 5 U.S.C. 6101 limits the basic non-overtime work day for Federal employees to eight hours. An exception is permitted if the agency head determines that adherence to the eight hour rule would either seriously hamper the agency's functions or substantially increase its costs. S. 3952 eliminates this exception.

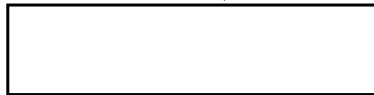
3. 5 U.S.C. 6101 also provides statutory standards concerning the basic work week, tours of duty, number of working hours, etc., subject to the same exceptions already noted. S. 3952 retains these exceptions but permits them to be exercised only during a "declared national emergency" and with the concurrence of the Director of the Bureau of the Budget.

4. In the introductory floor statement Senator Montoya said S. 3952 was aimed at the present practice of prolonging work weeks beyond five days without paying overtime and scheduling as many as ten consecutive days of work without a day off.

5. S. 3952 is of general application and does not specifically exempt CIA. However, 5 U.S.C. 6101 which it amends adopts its definition of the operative terms "agency" and "employee" from the subsection in the Code dealing with premium pay (5 U.S.C. 5541).

While not specifically excluded from 5 U.S.C. 5541 by its terms, an officer or employee of the Central Intelligence Agency is excluded by Civil Service Rules and Regulations (FPM supplement 990-1, section 550.101), issued pursuant to 5 U.S.C. 5504(c), 5548, and 6101(c). This exclusion insofar as it goes also seems to run against 5 U.S.C. 6101 and therefore S. 3952 as well.

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STATINTL

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OLC/LLM:caf (12 September 1968)